

# Morris James LLP

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## VIA EFILING AND FIRST CLASS MAIL

The Honorable Robert B. Kugler  
USDC for the District of New Jersey  
Mitchell H. Cohen Bldg & U.S. Courthouse  
4th & Cooper Streets, Room 1050  
Camden, NJ 08101

Re: *Sciele Pharma Inc., et al. v. Lupin Ltd., et al.*  
*Shionogi Pharma, Inc., et al. v. Mylan Inc., et al.,*  
D.Del., C.A. No. 09-037 (RBK/JS)(consolidated)

Your Honor:

We are writing on behalf of the Mylan defendants in response to Your Honor's question during the hearing last Friday regarding whether this matter should be reassigned to a Delaware judge. Mylan's position is that because of Your Honor's familiarity with this case and the fact that a claim construction decision has already issued, it would be preferable not to refer this matter to a Delaware judge at this stage of the litigation.

Respectfully,

*/s/ Mary B. Matterer*

Mary B. Matterer (Del I.D. #2696)

MBM/pvs

cc: All Counsel of Record via e-filing